

# DOES MY PROJECT QUALIFY?

In order to qualify for Facility Hardship funding, your district must demonstrate that there is an unmet and ongoing need for pupil housing and that the condition or lack of facilities poses a clear and imminent health and safety threat to pupils.

## FACTORS INCLUDE:

- » **Structural deficiencies**
- » **Environmental health hazards**
- » **Traffic safety**
- » **Close proximity to:**
  - Major Freeway
  - Electrical Facility
  - Dam
  - Industrial Facility
  - Airport
  - Adverse Air Quality Emission
  - Pipeline
  - High Power Transmission Line
  - Other Health and Safety Threat

# WHEN SHOULD I NOTIFY THE OPSC?

Contact the Office of Public School Construction (OPSC) any time you have questions. Your OPSC Project Manager or a member of the Facility Hardship Team can offer guidance and assist you with the preparation of your application/request. Please see the OPSC’s Program webpage on [Facility Hardship](#) for more information.

There are multiple steps and state agencies involved in the application process. Early involvement by the appropriate jurisdictional agency such as the Division of the State Architect (DSA), the State Department of Health Services, etc., is required to corroborate any health and/or safety threat that exists in the facility. Early involvement with the OPSC can help you create your plan of action.

**FOR ADDITIONAL ASSISTANCE** with your Facility Hardship request, please refer to the OPSC website at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc), which provides direct access to program information, including:

- » SFP Regulations - see Section 1859.82(a), (b) and 1859.83(e)
- » SFP Guidebook
- » SAB Forms
- » Project Manager County Assignments

*To enrich the lives of California’s school children as stewards of the taxpayers’ commitment to education.*

# Facility Hardship Provisions

**Replacement/Rehabilitation**  
Regulation Section 1859.82(a) or (b) and 1859.83(e)

**Office of Public School Construction**  
707 Third Street  
West Sacramento, CA 95605

916.376.1771  
[www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc)

There are two types of Facility Hardship projects: replacement and rehabilitation  
*Which type is your project?*

- REPLACEMENT** Cost to mitigate the health and safety threat is greater than 50 percent of the cost of replacement\*.
- REHABILITATION** Cost to mitigate the health and safety threat is less than 50 percent of the cost to rehabilitate\*.

\*Based on the Current Replacement Cost, as defined in School Facility Program (SFP) Regulation Section 1859.2.



# HOW DO I SUBMIT MY REQUEST?

Your district may request a conceptual approval, which is a preliminary approval by the State Allocation Board (SAB). After a conceptual approval, you will have 18 months to submit a funding application, or if the project includes site acquisition, you will have 24 months to submit a funding application.

## DOCUMENTS FOR CONCEPTUAL APPROVAL REQUEST

- » **Facility Hardship Request Checklist** of all the required documents. Available online on the OPSC's Programs and Services webpage under Facility Hardship. (Optional)
- » **Industry Specialist Report** Identification and substantiation of the health and safety threat and the minimum work necessary to mitigate the problem.
- » **Governmental Concurrence** A governmental agency's written concurrence with the industry specialist's report.
- » **Mitigation Measures** A letter/narrative describing the corrective plan and alternatives.
- » **Detailed Cost Estimate** Unit cost breakdown of the minimum work necessary.
- » **Cost/Benefit Analysis** Comparison of the cost of mitigation work to the Current Replacement Cost as defined in SFP Regulation Section 1859.82.
- » **Site Diagram** Diagram labeling ages and square footage of buildings in the project including identification of all classrooms.
- » **Photos** Photos of the affected area. (Recommended)

## SEISMIC MITIGATION PROGRAM

Conceptual Approval also requires:

- » **Written Concurrence** from the DSA and, if applicable, the California Geological Survey stating that the building(s) meets deficiency and/or site hazard requirements to qualify. Please see DSA's [Assembly Bill 300](#) webpage and DSA Procedure 08-03 for more information.
- » **DSA Recommended Mitigation Plan Approval** Concurrence letter indicating that the DSA agrees that the plan represents the minimum work required.

## REQUEST FOR FUNDING

Requests for funding must include all the components of a conceptual approval, as well as the components required for a standard funding application:

- » **Application for Funding (Form SAB 50-04)** Available [online](#). For assistance in completing this form, please contact your OPSC Project Manager.
- » **DSA Plan Approval Letter** Letter from the DSA stating that the plans and specifications are approved. Some projects may not require DSA plan approval. In those instances, the district must submit a letter from the DSA stating that plan approval is not required.
- » **Department of Education Site/Plan Approval** Approval letter from the California Department of Education.
- » **Career Technical Education (CTE) Letter** Documentation from your CTE Advisory Committee stating that your district's CTE needs are being met.

# FREQUENTLY ASKED QUESTIONS

**Q. Does a Facility Hardship approval mean the project is 100 percent funded?**

No. A Facility Hardship application is treated identically to a New Construction (when a Replacement) or Modernization (when a Rehabilitation) project. In the same manner, the State/district contribution ratios are typically 50/50 or 60/40 funding, respectively, unless the district is a financial hardship district (up to 100 percent funding). Funding for Seismic Mitigation Program projects is provided on a 50/50 state/district contribution basis.

**Q. How long is the Facility Hardship approval process?**

Many factors are involved when making a facility hardship determination. These are typically complex issues which require an in-depth, detailed analysis; however; these requests do receive a very high priority by the OPSC and, due to the health and safety concern, are processed as quickly as possible. The OPSC Facility Hardship Team and the district's OPSC Project Manager will work closely with the district, its architect and other personnel to expedite the request. Time is required for analysis, the site visit, SAB publication timelines, and other essential steps. At the earliest, Facility Hardship applications are generally scheduled for an SAB meeting 90 to 120 days following the OPSC's receipt of the application, depending on workload and the availability of essential documentation.

**Q. The district has a health and safety concern and wishes to demolish a building as soon as possible. Can this be done prior to a Facility Hardship approval?**

The district must exercise caution in the timing of a building's demolition. The OPSC is especially interested in visiting a potential facility hardship site to personally view the health and safety concern, but will also make every effort to facilitate a timely resolution of the district's facility hardship request. It is equally important for the district to have the appropriate State agency, such as the DSA, visit the site prior to demolition. If health and safety concerns, construction timelines, or other factors necessitate an expedient demolition of a building, and the essential site visits have been conducted, the district may choose to proceed with demolition prior to SAB

approval, but with the understanding that there is no guarantee of approval or subsequent funding and that the district moves forward at its own risk.

**Q. If insurance proceeds or site sale proceeds are realized in the course of a facility hardship project, are these monies a factor in the district's contribution?**

Yes. For standard Replacement projects, 50 percent of the amount collectable by the district will be reduced from the Facility Hardship grant. For Financial Hardship projects, up to 100 percent of the amount collectable by the district will be reduced from the Facility Hardship grant.

**Q. While undergoing a Modernization project, the district discovered extensive dry rot and termite damage that has severely compromised the structural integrity of the building. It appears that costs to mitigate this problem will be excessive and will dramatically increase the costs of the originally planned modernization work. Is there a possibility that Rehabilitation funds could be made available for this portion of the project?**

Yes. In some cases there may be a possibility of supplemental funding if the structural condition is such that it meets the requirements for Rehabilitation, as defined in SFP Regulation Section 1859.83(e). If the district receives a conceptual approval for Rehabilitation, that approval will be for the minimum work necessary to mitigate the problem. The district would subsequently submit a complete Form SAB 50-04 funding application (for Rehabilitation). If funds are available at that time, the district will receive an approval that will be tracked separately from its Modernization application.

**Q. Is an additional allowance provided for interim housing in Seismic Mitigation Projects under the Facility Hardship Program?**

Pursuant to SAB action, Facility Hardship Seismic Mitigation Projects are not provided any additional interim housing allowance. However, interim housing costs are eligible expenditures for Facility Hardship Seismic Mitigation Projects.